

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

HOWARD E. MARTIN, III,	:	Case No. 2:22-cv-4423
	:	
Petitioner,	:	
	:	
vs.	:	Judge Sarah D. Morrison
	:	Magistrate Judge Karen L. Litkovitz
	:	
TIM SHOOP, WARDEN,	:	
CHILLICOTHE CORRECTIONAL	:	
INSTITUTION,	:	
	:	
Respondent.	:	

ORDER

This pending habeas corpus matter is before the Court on two motions filed by Petitioner Howard E. Martin, III. One motion will be **DENIED**, and one will be **GRANTED** to the extent described below.

The first motion, a “Motion for Relief,” is incomprehensible. (Doc. 45). In it, Petitioner says he “is enacting an Easement of Five Million Dollars for Every Year that he is in Forced Durance after May 8, 2023” as “this is the Neocheating Date of Obscurity use[d] to Establish Unwarranted Oppression and Depravity of Justice[.]” (*Id.*, PageID 1584). That date appears to be the date that LexisNexis reported that this case was resolved. (*See* Doc. 46). It is also the date the Undersigned recommended that the Court deny Petitioner’s “Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody,” which was also filed in this case. (*See* Doc. 16). The Court denied the § 2255 motion on June 14, 2023. (*See* Doc. 22). Nothing about these orders is mentioned in Petitioner’s new motion as far as the Undersigned can tell. (Doc. 45).

The motion instead appears concerned with the “combining” of Petitioner’s habeas corpus and civil rights cases. (*Id.*, PageID 1583-84). However, it does not appear that Petitioner’s cases have been combined or consolidated. Some have been deemed related (*see* Doc. 20, 42), but each case is proceeding or was resolved separately. *See generally* S.D. Ohio Civ. R. 3.1(b) (describing when cases may be deemed related for purposes of “the orderly division of the business of the Court”). In short, the Undersigned cannot tell what Petitioner is seeking in his Motion for Relief and declines to speculate. The motion is therefore **DENIED**. (Doc. 45).

Petitioner’s second motion is entitled “Motion for Summary Judgment.” (Doc. 46). In this single-page motion, Petitioner also refers to the “combining” of cases. He says he is seeking “clarity of this Matter.” (*Id.*). The Undersigned **CONSTRUES** this motion as one asking for the status of this habeas corpus case, No. 2:22-cv-4423, and/or the status of Petitioner’s “objections” (Doc. 43, 44) to a related case memorandum (Doc. 42). This motion is **GRANTED**, as follows. The Undersigned **CLARIFIES** that:

1. Petitioner’s § 2254 habeas corpus case, Case No. 2:22-cv-4423, is pending and is currently under consideration by the Court.
2. Petitioner’s § 2255 motion to vacate, which was filed in this case, was denied on June 14, 2023. (Doc. 22).
3. The related but separate civil case of *Martin v. Mundy*, Case No. 2:24-cv-327, was dismissed with prejudice on June 6, 2024.
4. The other case cited by Petitioner, Case No. 1:24-cv-237, is entitled *Fikes v. Warden* and does not appear to involve Petitioner.

5. The related but separate habeas corpus case of *Martin v. Warden, Chillicothe Correctional Institution*, Case No. 1:23-cv-205, was dismissed on June 16, 2023.
6. Petitioner's cases have not been consolidated, so his objections to their "combining" appear to be moot.

IT IS SO ORDERED.

July 22, 2024


KAREN L. LITKOVITZ
UNITED STATES MAGISTRATE JUDGE